



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

986 WRIT PETITION NO. 5873 OF 2024

Anil Laxmanrao Jadhav

VERSUS

The State Of Maharashtra Through Secretary And Another

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Advocate for the Petitioner : Mr. C.V Thombre

AGP for Respondents: Mr. A.S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 02, 2024

PER COURT :-

1. The petitioner impugns the order dated 26.2.2024 passed by the Respondent no.2-Additional Collector, Chhatrapati Sambhajnagar by which prayer of the petitioner for regularization of the transaction and permission to alienate the property has been rejected.

2. Mr. Thombre, learned advocate appearing for the petitioner submits that this Court in catena of judgments permitted regularization of the transactions which are effected without seeking prior permission of the authorities. In support of his contentions, he relies upon the judgment of this Court in case of **Bhagwantrao @ Bhagwan @ Bhagwat s/o Mahadu Munjane (since deceased by L.Rs.) Vs. State of Maharashtra and others reported in 2011 (2) ALL MR 335**, wherein this Court held that sanction contemplated under section 5 (3) of the Bombay Watans Abolition Act can be

granted subsequently. He also placed his reliance on another judgment of this Court in Writ Petition no.3047 of 1978 between **Sheikh Lal Vs. Malhari** 16.12.1983.

3. Perusal of the aforesaid judgment nowhere stipulated that this Court dealt with the amended provisions of 2008 by which the application of amended provision is exempted to Mahar Watan. In the present case, Collector referring to the amendment Act of 2008 and concluded that in respect of lands governed by Vatan Mahar Hadola exemption cannot be granted under section 5 (3) of the 1958 Act. Apparently, the impugned order is based on the statutory provisions as it stands today. Therefore, no fault can be found in the impugned order.

4. Mr. Thombre, learned counsel appearing for the petitioner submits that petitioner wishes to challenge the validity of the aforesaid provisions since there is discrimination amongst classes various Vatandars governing under the scheme of one and the same Act. It would be open for the petitioner to raise such challenge by filing appropriate proceeding as permissible under law. If such petition is filed, petitioner shall be at liberty to seek appropriate reliefs without impeded by the order passed in this writ petition. Writ Petition stands dismissed with the aforesaid observations.

(S. G. CHAPALGAONKAR)
JUDGE